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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,590	04/19/2000	Tsukasa Sako	35.C14439	4087
5514	7590	11/04/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			JERABEK, KELLY L	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/552,590	SAKO, TSUKASA	
	Examiner	Art Unit	
	Kelly L. Jerabek	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 29-55 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 29-31, 33-37, 39-42, 44-48, 50-53, and 55 rejected under 35 U.S.C. 102(e) as being unpatentable over Buytaert US 6,359,628.

Re claim 29, Buytaert discloses in figure 1 a digital radiography system. The digital radiography system records a radiographic image on a photostimulable phosphor

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screen (image taking means) that is conveyed in a cassette (7) (col. 4, lines 51-60).

The digital radiography system also includes a identification/preview station (1) including a computer for running preview software to display an image that is read out of a screen in order to provide early feedback to an operator (col. 5, lines 9-13 and lines 34-40). The screen can be composed of a mosaic for 6 images pertaining to successively read out images (col. 8, lines 42-51; figs. 4,5). Additionally, Buytaert states that the preview screen includes a slider that provides an indication of overexposure or underexposure so that an operator can make a new exposure (retaking instruction means) if the exposure went wrong (col. 8, lines 62-67). The Examiner is reading the slider as a selection means for selecting an image as an object for retaking from among the already taken images displayed on the preview screen because the slider warns the user thus allowing the user select an image to be retaken. The identification/preview station (1) also allows a user to enter patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) (col. 6, lines 18-43) for each image that is taken. Therefore, it can be seen that each image that is taken has a variety of image taking conditions (view position, exposure class, etc.). Thus, in the case that an operator makes a new exposure because the previous exposure went wrong (retakes an image), some of the image taking conditions (such as view position) of the new exposure will be the same as the original exposure (image taking condition of image selected is set as an initial value) in order to retake the same area of the body (patient position) as the original exposure.

Re claim 30, Buytaert states that the preview screen can be composed of a mosaic of 6 images pertaining to successively read out images (col. 8, lines 42-51; figs. 4,5). Also, Buytaert states that the preview screen includes a slider that provides an indication of overexposure or underexposure so that an operator can make a new exposure (retaking instruction means) if the exposure went wrong (col. 8, lines 62-67). Therefore, it can be seen that if the operator makes a new exposure because the previous exposure went wrong both the object for retaking (previous exposure) and the retaken image (new exposure) will be displayed.

Re claim 31, the digital radiography system disclosed by Buytaert also includes a read-out station (2) for reading out the image stored in the phosphor screen to a laser recorder (3) (col. 4, line 61 – col. 5, line 3). The computer of the identification/preview station (1) is programmed to perform a hold function. Thus, by activating or deactivating a hold key on the identification screen the user can determine whether or not certain images will be recorded by the laser recorder (3) (col. 9, lines 11-21). The Examiner is reading the hold key as an output image selection means because it serves to select whether or not an image will be outputted externally to the laser recorder (3).

Re claim 33, the identification/preview station (1) also allows a user to enter patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) (col. 6, lines 18-43; figs.

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3,4) for each image that is taken. Therefore, it can be seen that each image that is taken has a variety of image taking conditions (view position, exposure class, etc.). The Examiner is reading this limitation as an attaching means for attaching an image taking ID to the image taken by the image taking means.

Re claim 34, Buytaert states that the preview screen includes a slider that provides an indication of overexposure or underexposure so that an operator can make a new exposure (retaking instruction means) if the exposure went wrong (col. 8, lines 62-67). The identification/preview station (1) also allows a user to enter patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) (col. 6, lines 18-43) for each image that is taken. Therefore, it can be seen that each image that is taken has a variety of image taking conditions (view position, exposure class, etc.). Thus, in the case that an operator makes a new exposure because the previous exposure went wrong (retakes an image), some of the image taking conditions (such as view position) of the new exposure will be the same as the original exposure in order to retake the same area of the body (patient position) as the original exposure.

Re claim 35, the identification/preview station (1) allows a user to enter patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) for each image that is taken (col. 6, lines 18-43).

Re claim 36, Buytaert discloses in figure 1 a digital radiography system. The digital radiography system records a radiographic image on a photostimulable phosphor screen (image taking means) that is conveyed in a cassette (7) (col. 4, lines 51-60). The digital radiography system also includes a identification/preview station (1) including a computer for running preview software to display an image that is read out of a screen in order to provide early feedback to an operator (col. 5, lines 9-13 and lines 34-40). The identification/preview station (1) also allows a user to enter patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) for each image that is taken (col. 6, lines 18-43). Thus, the identification/preview station (1) stores image taking ID's of the images taken by the image taking means. Buytaert also states that the preview screen can be composed of a mosaic of 6 images pertaining to successively read out images (col. 8, lines 42-51; figs. 4,5). Therefore, depending on the patient and image identification data entered by the user some of the images displayed on the preview screen may have the same patient and/or image identification data (image taking ID). The digital radiography system disclosed by Buytaert also includes a read-out station (2) for reading out the image stored in the phosphor screen to a laser recorder (3) (col. 4, line 61 – col. 5, line 3). The computer of the identification/preview station (1) is programmed to perform a hold function. Thus, by activating or deactivating a hold key on the identification screen the user can determine whether or not certain images (some of which may have the same patient or image identification data) will be recorded by the

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laser recorder (3) (col. 9, lines 11-21). The Examiner is reading the hold key as an output image selection means because it serves to select whether or not an image will be outputted externally to the laser recorder (3).

Re claim 37, Buytaert states that the preview screen can be composed of a mosaic of 6 images pertaining to successively read out images (col. 8, lines 42-51; figs. 4,5). Therefore, depending on the patient and image identification data entered by the user some of the images displayed on the preview screen may have the same patient and/or image identification data (image taking ID).

Re claim 39, the identification/preview station (1) allows a user to enter patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) for each image that is taken (col. 6, lines 18-43).

Re claim 40, see claim 29.

Re claim 41, see claim 30.

Re claim 42, see claim 31.

Re claim 44, see claim 33.

Re claim 45, see claim 34.

Re claim 46, see claim 35.

Re claim 47, see claim 36.

Re claim 48, see claim 37.

Re claim 50, see claim 39.

Re claim 51, the identification station disclosed by Buytaert is a personal computer loaded with identification and preview software for performing the disclosed functions (col. 5, lines 25-29). For the rest of claim 51, see claim 29.

Re claim 52, the identification station disclosed by Buytaert is a personal computer loaded with identification and preview software for performing the disclosed functions (col. 5, lines 25-29). For the rest of claim 51, see claim 36.

Re claim 53, Buytaert discloses in figure 1 a digital radiography system. The digital radiography system records a radiographic image on a photostimulable phosphor screen (image taking means) that is conveyed in a cassette (7) (col. 4, lines 51-60).

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The digital radiography system also includes a identification/preview station (1) including a computer for running preview software to display an image that is read out of a screen in order to provide early feedback to an operator (col. 5, lines 9-13 and lines 34-40). The screen can be composed of a mosaic for 6 images pertaining to successively read out images (col. 8, lines 42-51; figs. 4,5). Additionally, Buytaert states that the preview screen includes a slider that provides an indication of overexposure or underexposure so that an operator can make a new exposure (retaking instruction means) if the exposure went wrong (col. 8, lines 62-67). The Examiner is reading the slider as a selection means for selecting an image as an object for retaking from among the already taken images displayed on the preview screen because the slider warns the user thus allowing the user select an image to be retaken. The identification/preview station (1) also allows a user to enter (attach) patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) (col. 6, lines 18-43) for each image that is taken. Therefore, it can be seen that each image that is taken has a variety of image taking conditions (view position, exposure class, etc.) and the Examiner is reading this feature as the first and second attachment means for attaching an image taking ID to an image. Thus, in the case that an operator makes a new exposure because the previous exposure went wrong (retakes an image), some of the image taking conditions (such as view position) of the new exposure will be the same as the original exposure (image taking condition of image selected is set as an initial value) in order to retake the same area of the body (patient position) as the original exposure. The digital radiography

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system disclosed by Buytaert also includes a read-out station (2) for reading out the image stored in the phosphor screen to a laser recorder (3) (col. 4, line 61 – col. 5, line 3). The computer of the identification/preview station (1) is programmed to perform a hold function. Thus, by activating or deactivating a hold key on the identification screen the user can determine whether or not certain images will be recorded by the laser recorder (3) (col. 9, lines 11-21). The Examiner is reading the hold key as an output image selection means because it serves to select whether or not an image will be outputted externally to the laser recorder (3).

Re claim 55, the identification/preview station (1) allows a user to enter patient identification data (patient's name, date of birth, sex, etc.) and image identifying data (view position, cassette orientation, exposure class, etc.) for each image that is taken (col. 6, lines 18-43).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32, 38, 43, 49, and 54 rejected under 35 U.S.C. 103(a) as being unpatentable over Buytaert in view of Kawamura et al. US 6,522,354.

Re claim 32, Buytaert includes all of the limitations of claim 29. However, Buytaert fails state that the display control means displays an identification mark for the image not selected by an output image selection means

Kawamura discloses in figure 1 an electronic camera with a transfer means (4) capable of transferring images to external equipment (col. 3, lines 9-15). As shown in figure 2 when the camera (11) is set in transfer mode a microcomputer (15) retrieves images stored on the memory card (21) and produces thumbnail images to be displayed on a display (19) (col. 5, lines 19-40). The operator then selects via selection switches (35,36,37) the images on the display (19) that are to be transferred (col. 5, lines 42-49). Thus, the camera (11) includes output image selection means for selecting an image to be outputted externally from among the images displayed by the display (19). Furthermore, the camera (11) displays a PC icon (52) or a telephone icon (51) in association with each item that has been transferred (col. 8, lines 1-5). Although these icons are attached to images that are selected by the output image selection means, it can also be seen that an identification mark (numbers 2 and 4) is displayed for the images not selected by the output image selection means. In figure 6, the images corresponding to the numbers 2 and 4 are not selected by the output selection means but they do have identification marks (2,4). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the output image selection

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means for transferring images to external equipment as disclosed by Kawamura in the digital radiography system disclosed by Buytaert. Doing so would provide a means for determining which images have been transferred (Kawamura: col. 2, lines 1-9).

Re claims 38, 43, 49, and 54, see claim 32.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Janssens et al. (US 5,616,930) discloses a radiation image displaying method and apparatus. The information regarding previewing digital radiographic images is pertinent material.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is 703-305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number

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for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at 703-746-3059.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ


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